



## OFFICE OF THE DISTRICT ATTORNEY

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### **For Immediate Release**

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Travis County District Attorney Margaret Moore released the following statement:

The Travis County District Attorney's Office has concluded its review of the Austin Police Department's investigation of the facts and circumstances surrounding the March 7, 2018, officer-involved shooting death of Victor Ancira and involving Austin Police Department (APD) officers' William Johns (#7217), Timothy Skeen (#8437), Michael Rowland (#8223), Bryan McCulloch (#8124) and Gavin Smart (#8674). The review also included an examination of the use of non-lethal force by officers Jason Meurer (#8572), Bradley Hoover (8211) and Michael Rauert (4678). The Travis County District Attorney's Office has determined that the credible facts establish that the officer's use of force was justified under applicable Texas law governing when an officer may use deadly force. In accordance with the Office's policies, District Attorney Margaret Moore will not present this case to a grand jury and has issued a declination letter summarizing the facts of the investigation and the legal analysis forming the basis for her decision.

On March 7, 2018, shortly after 4 a.m., APD received a 911 call from a male who reported that he had killed his father and brother. He further indicated the body and murder weapons were in the house and disconnected the call before additional information could be obtained. Police learned the call was placed from 4800 Tanney Street, a residence shared by a father and two adult sons, one being Victor Ancira.

As they arrived on scene, they parked in the street near the residence and approached on foot. Victor Ancira was initially observed sitting on a folding chair in the middle of the street a few houses down from his residence, holding a weapon later identified as a pickaxe in his hand. After the police announced their presence, Ancira stood up and began pacing back and forth with the pickaxe in his hand.

Using a PA system, an officer repeatedly attempted to engage Ancira in conversation. Ancira responded only with defiant gestures, and his refusal to cooperate was immediately apparent. Ancira ignored repeated commands to drop the pickaxe. Officers employed less-than-lethal force in the form of beanbags and tasers in an attempt to disarm him as they moved forward to gain

access to the house to check welfare and call for any needed medical assistance. The less-than-lethal measures were unsuccessful because Ancira was able to block them with his chair. After blocking the taser prongs, Ancira raised the pickaxe above his head and lunged toward the officers, who, at this point, were approximately ten feet away.

Observing this, five officers fired their service weapons, fearing for the safety of themselves and their fellow officers. Ancira was struck and fell to the ground. He died at the scene.

Officers were able to ascertain that Ancira's father and brother were in the residence and unharmed. Ancira left what appeared to be a suicide note.

All subject officers gave individual statements, as did witness officers that were corroborated by the physical evidence. Video footage captured by multiple bodycams further corroborated the officers' statements and showed the events that transpired that day.

In this case, the District Attorney's Office has determined that each officer's use of deadly force was justified under the facts established in the investigation. The officers' use of non-lethal force was also justified. A full discussion of these facts and the legal analysis forming the basis for the declination letter will be published on the District Attorney's Civil Rights Unit webpage: (<https://www.traviscountytx.gov/district-attorney/office-divisions/civil-rights/cru>).

Press packet containing documents, audio and interviews related to this case are available on request by accessing the Civil Rights Unit's webpage and following the instructions provided for requesting and obtaining press packets.

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